

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SIGNATOURS CORPORATION,

Plaintiff,

v.

CHAMPIONS REAL ESTATE SERVICES,
INC.; RICHARD LORD, individually,

Defendants.

Civil Action No. 14-cv-1605

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

JURY TRIAL REQUESTED

Plaintiff Signatours Corporation hereby alleges the following causes of action against Defendants:

I. PARTIES

1. Signatours Corporation (“Signatours”) is a Washington corporation having a place of business in Seattle, Washington.

2. Defendant Champions Real Estate Services, Inc. (“Champions”) is a Washington corporation having a place of business at 19312 60th Avenue W., Suite D, Lynnwood, WA 98036.

3. Defendant Richard Lord (“Lord”) is an individual believed to be a managing officer of Champions and resides in this judicial district at 7220 Norma Beach Road, Edmonds,

1 WA 98020. On further information and belief, Lord controls Champions and all wrongful actions
2 taken by Champions as described herein were done at the specific direction of Lord.

3 II. JURISDICTION AND VENUE

4 4. This action arises under the copyright laws of the United States of America,
5 17 U.S.C. § 101 *et seq.* Jurisdiction over the copyright claims is conferred upon this Court by
6 28 U.S.C. §§ 1331 and 1338.

7 5. Venue is proper in this Court pursuant to 28 USC §§ 1391(b) and (c) and 1400(a).
8 Defendants reside in, have transacted business in and have had continuous and systematic
9 contacts with the Western District of Washington. A substantial part of the events or omissions
10 giving rise to the claims occurred in this District.

11 III. SIGNATOURS' BUSINESS AND COPYRIGHTS

12 6. Signatours authors and is the owner of non-stock, high-dynamic range (HDR),
13 commercial photographs of inns, resorts and vacation rental properties. These photographs are
14 typically licensed to management companies for use in marketing and rental of the properties.
15 Signatours is the copyright owner of such high quality photographs to the property referred
16 located at 25 Guye Peak Lane, Snoqualmie Pass, Washington (hereinafter "Snoqualmie Pass
17 photographs"). Signatours secured federal copyright protection of these photographs under U.S.
18 Copyright Registration Nos. VAu001055316, effective January 10, 2011.

19 7. Without the permission of Signatours, Defendants have copied and published
20 multiple Signatours Snoqualmie Pass photographs in their marketing materials on Internet
21 websites such as *listingfactory.com* and *nwchampions.com*. On information and belief,
22 Defendants widely distributed and publicly displayed Signatours' Snoqualmie Pass photographs.
23 Defendants used Signatours' copyrighted photographs for the purpose of marketing the property
24 for commercial gain.
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26

1 8. Defendants have at all relevant times been aware of Signatours' copyrighted
2 photographs. Defendants have no license from Signatours and despite notice of their wrongful
3 activities Defendants deliberately and willfully infringed Signatours' copyrights.

4 **IV. CAUSE OF ACTION—COPYRIGHT INFRINGEMENT**

5 9. Signatours realleges the preceding paragraphs of this complaint.

6 10. By copying, modifying and creating one or more derivative works and/or
7 displaying and distributing Signatours Snoqualmie Pass photographs, Defendants' actions
8 constitute copyright infringement in violation of 17 U.S.C. § 101 *et seq.*

9 11. Defendants have facilitated possible infringement of others by failing to display
10 Signatours' work with a credit and copyright notice attached and by publishing the Snoqualmie
11 Pass photographs on the Internet.

12 12. Defendants have profited from unauthorized use of Signatours' copyrighted work.

13 13. Defendants had access to Signatours' copyrighted materials and knowledge of
14 Signatours' ownership rights in the Snoqualmie Pass photographs and their infringing activities
15 were deliberate, knowing, willful, and malicious, and were designed to provide Defendants with
16 an economic advantage over Signatours or benefit at Signatours' expense. As a result of
17 Defendants' willfully infringing acts, Signatours has been injured and has suffered damages in an
18 amount to be proved at trial.

19 14. Signatours claims remedies to which it may be entitled by law, including
20 Defendants' revenues and profits pursuant to 17 U.S.C. 504(b); at Signatours' election and in the
21 alternative, actual damages or statutory damages up to \$150,000 per infringement pursuant to
22 17 U.S.C. § 504(c); injunctive relief pursuant to 17 U.S.C. § 502; impounding and destruction of
23 infringing articles pursuant to 17 U.S.C. § 503; and attorney's fees and costs pursuant to
24 17 U.S.C. § 505 and otherwise allowed by law.

V. PRAYER FOR RELIEF

WHEREFORE, Signatours prays for the following alternative and cumulative relief:

- A. An order preliminarily and permanently enjoining Defendants and all persons in active concert or participation with any of them from copying or creating derivative works based on Signatours' copyrights;
- B. An order, as specifically provided by 17 U.S.C. § 503 and other applicable law, for seizure to recover, impound, and destroy all things infringing Signatours' copyrighted materials, including any video, written, or digitally maintained materials Defendants may possess or have under their control, or under the control of any of Defendants' respective officers, agents, servants, employees, attorneys, or any other person acting in concert or participation with Defendants;
- C. An order requiring Defendants to file with this Court and serve on Signatours, within 30 days of service of this order, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the terms of the ordered relief;
- D. Damages in an amount sufficient to compensate Signatours for all injury sustained as a result of Defendants' wrongful activities, including wrongful profits of Defendants, as provided under applicable law;
- E. Treble the amount of damages recovered by Signatours or other exemplary damages and all of its litigation expenses, including reasonable attorneys' fees and costs, as provided under applicable law; and
- F. Such other and further relief as the Court may deem just.

RESPECTFULLY SUBMITTED this 17th day of October, 2014.

s/David A. Lowe, WSBA No. 24,453

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